

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA,)	
)	CRIMINAL NO.: 4:17-cr-00263-RBH-1
Plaintiff,)	
)	
vs.)	
)	
EPIFANIO CASTILLO-PACHECO,)	
)	
Defendant.)	
_____)	

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture as to Defendant Epifanio Castillo-Pacheco (“Castillo-Pacheco”, “Defendant”), based upon the following:

1. On March 28, 2017, a multi-count Indictment was filed charging Castillo-Pacheco with:

Count 1: Drug trafficking, in violation of 21 U.S.C. § 841;

Count 5: Illegal alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(3)(A); and

Count 6: Reentry of removed aliens, in violation of 8 U.S.C. §1326.

2. Pursuant to Fed. R. Crim. P. 32.2(a), the Indictment contained a notice of forfeiture providing that upon Castillo-Pacheco’s conviction, certain properties enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States. As specified, such assets include, but are not limited to the following:

(1) Total Cash Proceeds:¹

A sum of money equal to all property the Defendants obtained, directly or indirectly for, or used to facilitate, the Title 21 offenses charged in the Indictment, that is, a minimum of approximately \$177,989.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in the aggregate constitutes proceeds the Defendants obtained directly or indirectly as the result of such violations of Title 21, United States Code or were used to facilitate such violations.

(2) Cash/Currency Seized:²

- (a) \$177,989.00 of currency seized on March 8, 2017, from 3538 Alex Drive, Galivants Ferry, South Carolina
Asset ID: 17-ICE-001560

(3) Firearms and Ammunition Seized:³

- (a) Kassnar Imports MBK-9HP 9mm pistol (serial number OR0805); Glock 42 .380 caliber pistol (serial number ACEK278); Various rounds of 9mm ammunition, and .380 caliber ammunition, all seized on March 8, 2017, from 3538 Alex Drive, Galivants Ferry, South Carolina
Asset ID: 17-ICE-001561

3. On October 24, 2017, Castillo-Pacheco pled guilty pursuant to a written plea agreement to Count 1, possession with intent to distribute a quantity of cocaine, in violation of 21 U.S.C. § 841(a)(1) and agreed to the entry of a forfeiture of forfeiture money judgment.

4. Based on Defendant's conviction, the Court has determined that the government has established the requisite nexus between the amount of proceeds Defendant obtained and the offense for which Defendant has been convicted; therefore the United States is entitled to a preliminary order of forfeiture, subject to the provisions of U.S.C. § 853 governing third party

¹ The government is pursuing a money judgment against the Defendant. The total amount of a money judgment has not been calculated at this time. Pursuant to Rule 32.2(b)(2)(C) and (e)(1), this order will be amended when the specific amount of the money judgment has been determined by the court.

² The currency seized has been administratively forfeited.

³ The firearms and ammunition have been administratively forfeited.

rights. The Court has determined that the property described above is subject to forfeiture, pursuant to 21 U.S.C. §§ 853 and 881 and 28 U.S.C. § 2461(c). Therefore, it is ORDERED THAT all property, real or personal, which constitutes or is derived from proceeds traceable to the possession with intent to distribute violations of Title 21, United States Code, Section 841 are forfeited to the United States.

5. The Court further finds that one or more of the conditions set forth in Title 21, United States Code, Section 853(p), exists.

6. It is, therefore, ORDERED that the United States is entitled to forfeit substitute assets equal to the value of the proceeds in the drug trafficking by Defendant as a result of his violations of Title 21, United States Code, Section 841, and that such substitute assets shall not exceed the value of the proceeds Defendant obtained in the drug trafficking.

Accordingly, it is hereby **ORDERED**,

1. The below-described property, and all right, title, and interest of the Defendant, Epifanio Castillo-Pacheco, in and to such property, is hereby forfeited to the United States of America, for disposition in accordance with law, subject to the rights of third parties in such property under 21 U.S.C. § 853(n).

2. FORFEITURE IS ORDERED against Epifanio Castillo-Pacheco and in favor of the United States for an undetermined amount, along with appropriate costs and interest thereon at the rate provided for in 28 U.S.C. § 1961. The United States may at any time move pursuant to Rule 32.2(e) to amend this Order to substitute property to satisfy the money judgment.

3. The United States may sell or otherwise dispose of any substitute assets in accordance with law as required to satisfy the above imposed money judgment.

4. Upon the entry of this Order, the United States Attorney is authorized to conduct proper discovery in identifying, locating, or disposing of the described property, or other substitute assets, in accordance with Fed. R. Crim. P. 32.2(b)(3); and to commence proceedings that comply with statutes governing third party rights, if applicable.

5. The Government is not required to publish notice regarding the personal money judgment against Defendant; however, the Order shall be recorded in the records of the County Clerk's Office in the County of the debtor's residence, place of business, and any and all other counties in which the debtor has either real or personal property, as a lien thereon.

6. Upon entry of the criminal judgment, this Order becomes final as to Defendant, and shall be made a part of the sentence and included in the criminal judgment.

7. The Court shall retain jurisdiction to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

8. The Clerk, United States District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

November 29, 2017
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge